

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Richard M. Gordon
Anita M. Gordon
Debtor(s)

Bankruptcy Case No.: 18-23258-CMB
Issued Per Feb. 28, 2019 Proceeding
Chapter: 13
Docket No.: 36 – 23, 31, 32
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 13, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$5,562 as of March 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of Capital One Auto Finance at Claim No. 2 shall receive no further payments due to surrender of the collateral. All prior payments are ratified. The claim of United States Department of Education at Claim No. 30 shall be paid as specially classified as long term continuing debt.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: March 5, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Richard M. Gordon
 Anita M. Gordon
 Debtors

Case No. 18-23258-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 3
 Total Noticed: 63

Date Rcvd: Mar 05, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 07, 2019.

db/jdb
 14898681 ++Richard M. Gordon, Anita M. Gordon, 335 Forestwood Drive, Gibsonia, PA 15044-9207
 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Cbna, 50 Northwest Point Road, Elk Grove Village, IL 60007)
 14921761 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14898683 Celtic Bank/contfinco, 4450 New Linden Hill Rd, Wilmington, DE 19808
 14898689 +Comenitybk/a&f, Po Box 182789, Columbus, OH 43218-2789
 14964813 +Credit Acceptance, 25505 West Twelve Mile Rd, Suite 3000, Southfield MI 48034-8331
 14898692 +Credit First N A, 6275 Eastland Rd, Brookpark, OH 44142-1399
 14922616 Credit First NA, PO Box 818011, Cleveland, OH 44181-8011
 14936494 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14898694 +Dsnb Macys, Po Box 8218, Mason, OH 45040-8218
 14934578 +FBC Mortgage, LLC, c/o Cenlar FSB, 425 Phillips Blvd, Ewing, NJ 08618-1430
 14898682 ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096
 (address filed with court: Ccs/first Savings Bank, 500 East 60th St North,
 Sioux Falls, SD 57104)
 14898695 +Fbc Mortgage, 101 Wymore Rd, Altamonte Springs, FL 32714-4207
 14898696 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
 14928145 +M&T Bank, PO BOX 1508, Buffalo, New York 14240-1508
 14898701 ++NISSAN MOTOR ACCEPTANCE CORPORATION, LOSS RECOVERY, PO BOX 660366, DALLAS TX 75266-0366
 (address filed with court: Nissan-Infiniti, 2901 Kinwest Parkway, Irving, TX 75063)
 14904526 Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366
 14936581 +PNC Bank, National Association, PO Box 94982, Cleveland, OH 44101-4982
 14898704 +PayPal Credit, PO Box 5138, Lutherville Timonium, MD 21094-5138
 14921218 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14898705 +Pnc Bank, 2730 Liberty Ave, Pittsburgh, PA 15222-4747
 14898714 +Thom/contfin, Pob 8099, Newark, DE 19714-8099
 14898715 +Thom/milestone, Po Box 4499, Beaverton, OR 97076-4499
 14898716 +Thd/cbna, Po Box 6497, Sioux Falls, SD 57117-6497
 14934911 UNITED STATES DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973,
 MADISON, WI, 53708-8973
 14898717 +Us Dept Of Ed/glslsi, Po Box 7860, Madison, WI 53707-7860

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

++E-mail/PDF: acg.acg.ebn@americaninfosource.com Mar 06 2019 03:29:37
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 cr ++E-mail/Text: kburkley@bernsteinlaw.com Mar 06 2019 03:18:14 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14898679 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 06 2019 03:30:28 Capital One,
 15000 Capital One Dr, Richmond, VA 23238
 14898680 ++E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Mar 06 2019 03:29:40
 Capital One Auto Finance, 3901 Dallas Parkway, Plano, TX 75093-7864
 14901899 ++E-mail/PDF: acg.acg.ebn@americaninfosource.com Mar 06 2019 03:30:32
 Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
 14920004 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 06 2019 03:29:58
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14898684 ++E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 06 2019 03:17:09 Comenity Bank/express,
 Po Box 182789, Columbus, OH 43218-2789
 14898685 ++E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 06 2019 03:17:09 Comenitybank/ny&co,
 Po Box 182789, Columbus, OH 43218-2789
 14898686 ++E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 06 2019 03:17:09 Comenitybank/venus,
 Po Box 182789, Columbus, OH 43218-2789
 14898687 ++E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 06 2019 03:17:10 Comenitybank/victoria,
 Po Box 182789, Columbus, OH 43218-2789
 14898688 ++E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 06 2019 03:17:10 Comenitybank/wayfair,
 Po Box 182789, Columbus, OH 43218-2789
 14898690 ++E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 06 2019 03:17:10 Comenitycb/overstock,
 Po Box 182120, Columbus, OH 43218-2120
 14898691 ++E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 06 2019 03:17:10 Comenitycb/zales,
 Po Box 182120, Columbus, OH 43218-2120
 14898693 ++E-mail/PDF: creditonebknotifications@resurgent.com Mar 06 2019 03:29:40 Credit One Bank Na,
 Po Box 98875, Las Vegas, NV 89193-8875
 14898697 E-mail/Text: cio.bncmail@irs.gov Mar 06 2019 03:16:59 Internal Revenue Service,
 P.O. Box 7346, Philadelphia, PA 19101-7346
 14898698 ++E-mail/Text: bncnotices@becket-lee.com Mar 06 2019 03:16:56 Kohls/capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 14921386 E-mail/PDF: resurgentbknotifications@resurgent.com Mar 06 2019 03:30:08
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 63

Date Rcvd: Mar 05, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14935673 E-mail/PDF: resurgentbknofications@resurgent.com Mar 06 2019 03:29:42
LVNV Funding, LLC its successors and assigns as, assignee of LendingClub Corporation &
LC Trust I, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14898699 +E-mail/Text: bk@lendingclub.com Mar 06 2019 03:18:01 Lending Club Corp,
71 Stevenson St Ste 300, San Francisco, CA 94105-2985
14898700 +E-mail/Text: camanagement@mtb.com Mar 06 2019 03:17:03 M & T Credit Corporation,
P.O. Box 4649, Buffalo, NY 14240-4649
14912043 E-mail/PDF: cbp@onemainfinancial.com Mar 06 2019 03:30:18 ONEMAIN, P.O. BOX 3251,
EVANSVILLE, IN 47731-3251
14898703 +E-mail/PDF: cbp@onemainfinancial.com Mar 06 2019 03:29:50 Onemain, Po Box 1010,
Evansville, IN 47706-1010
14931674 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 06 2019 03:30:01
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14899019 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 06 2019 03:43:05
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14918860 +E-mail/Text: JCAP_BNC_Notices@jcap.com Mar 06 2019 03:17:52 Premier Bankcard, Llc,
Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
14922365 E-mail/Text: bnc-quantum@quantum3group.com Mar 06 2019 03:17:17
Quantum3 Group LLC as agent for, GPCC I LLC, PO Box 788, Kirkland, WA 98083-0788
14931962 E-mail/Text: bnc-quantum@quantum3group.com Mar 06 2019 03:17:17
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14931963 E-mail/Text: bnc-quantum@quantum3group.com Mar 06 2019 03:17:17
Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
Kirkland, WA 98083-0788
14936684 +E-mail/Text: bncmail@w-legal.com Mar 06 2019 03:17:48 SYNCHRONY BANK,
c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
14898706 +E-mail/PDF: gecsed@recoverycorp.com Mar 06 2019 03:29:53 Synch/amazon, Po Box 965015,
Orlando, FL 32896-5015
14898707 +E-mail/PDF: gecsed@recoverycorp.com Mar 06 2019 03:29:53 Synch/amer Eagle, Po Box 965005,
Orlando, FL 32896-5005
14898708 +E-mail/PDF: gecsed@recoverycorp.com Mar 06 2019 03:29:53 Synch/care Credit,
C/o Po Box 965036, Orlando, FL 32896-0001
14898709 +E-mail/PDF: gecsed@recoverycorp.com Mar 06 2019 03:29:53 Synch/jcp, Po Box 965007,
Orlando, FL 32896-5007
14898710 +E-mail/PDF: gecsed@recoverycorp.com Mar 06 2019 03:29:53 Synch/lowes, Po Box 956005,
Orlando, FL 32896-0001
14898711 +E-mail/PDF: gecsed@recoverycorp.com Mar 06 2019 03:30:22 Synch/score Rewards,
P.o. Box 965005, Orlando, FL 32896-5005
14898712 +E-mail/PDF: gecsed@recoverycorp.com Mar 06 2019 03:30:23 Synch/value City Furni,
950 Forrer Blvd, Kettering, OH 45420-1469
14898713 +E-mail/PDF: gecsed@recoverycorp.com Mar 06 2019 03:29:56 Synch/walmart, Po Box 965024,
Orlando, FL 32896-5024

TOTAL: 37

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr CENLAR FSB as servicer for FBC Mortgage, LLC
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
Pittsburgh, PA 15233-1828
14898702* ++NISSAN MOTOR ACCEPTANCE CORPORATION, LOSS RECOVERY, PO BOX 660366, DALLAS TX 75266-0366
(address filed with court: Nissan-infiniti Lt, 2901 Kinwest Pkwy, Irving, TX 75063)
TOTALS: 1, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 07, 2019

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 63

Date Rcvd: Mar 05, 2019

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 5, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor CENLAR FSB as servicer for FBC Mortgage, LLC
bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com
Shawn N. Wright on behalf of Joint Debtor Anita M. Gordon shawn@shawnwrightlaw.com,
wrightshawn@hotmail.com;wrightshawn49@gmail.com;wrightshawncf@gmail.com;audrey@shawnwrightlaw.co
m
Shawn N. Wright on behalf of Debtor Richard M. Gordon shawn@shawnwrightlaw.com,
wrightshawn@hotmail.com;wrightshawn49@gmail.com;wrightshawncf@gmail.com;audrey@shawnwrightlaw.co
m

TOTAL: 7